S.B.CIVIL WRIT PETITION NO.2374/2003

Gulab Singh & Anr.
v.
State of Rajasthan & Ors.

DATE OF ORDER :: 6th July, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Deepak Mehra for Mr. C.P. Trivedi, for the petitioners.
Mr. B.L.Tiwari, Dy. Govt. Advocate.

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Counsel for the parties are in agreement that the controversy involved in this writ petition is no more res-integra in light of the judgment of this Court in the case of Dayalal and 6 others v. The State of Rajasthan & Ors., reported in 2003(3) WLC (Raj.) 599.

In the case of Dayalal (supra) this Court while accepting the writ petition directed the respondent State to allow regular pay scales to the Superintendents, Cooks and Chowkidars working in Social Welfare Department of Government of Rajasthan. The Court also declared petitioners in those cases entitled to be considered for regularisation of their services on framing a scheme by Government of Rajasthan in the same line as prepared earlier by State Government and that was placed before Hon'ble Supreme Court.

In the instant matter the petitioner is working on the post of Cook in a Social Welfare Department on daily rate basis and his case on facts is similar to the petitioners in the case of Dayalal (supra).

Accordingly, this petition for writ is allowed. The petitioner is declared entitled for the salary at par with the salary which is given to other cooks working in the hostels run by Social Welfare Department of Government of Rajasthan. The petitioner shall be entitled to get pay in the terms above from the date of filing this writ petition i.e. 20.5.2003. The petitioner shall also be entitled to be considered for regularisation of services in accordance with the scheme required to be framed by Government of Rajasthan in pursuant to the directions given in the case of Dayalal (supra).

No order to cost.

(GOVIND MATHUR),J.

kkm/ps.